

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MICHAEL T. McLAUGHLIN,

Plaintiff

v.

NDOC INFIRMARY, *et al.*,

Defendants

Case No. 2:21-cv-00002-RFB-BNW

**ORDER**

**I. DISCUSSION**

On January 6, 2021, this Court ordered Plaintiff to file an application to proceed *in forma pauperis* or pay the full \$402 filing fee to initiate this matter within thirty days from the date of the order (ECF No. 3).

Upon further review of Plaintiff's filing at ECF No. 1-1, the Court notes that Plaintiff did not file a complaint. Instead, Plaintiff submitted a motion for temporary restraining order at ECF No. 1-1.

Under Federal Rule of Civil Procedure 3, "[a] civil action is commenced by filing a complaint with the court." Fed. R. Civ. P. 3. As such, the Court grants Plaintiff until **February 5, 2021** to submit a complaint to this Court.

If Plaintiff is unable to file a complaint on or before **February 5, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to file a complaint. A dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff is able to file a complaint.

**II. CONCLUSION**

For the foregoing reasons, IT IS ORDERED that Plaintiff will submit a complaint to this Court on or before **February 5, 2021**.

IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The

1 Clerk of the Court will also send Plaintiff a copy of his motion for temporary restraining  
2 order at ECF No. 1-1.

3 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint on or before  
4 **February 5, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to  
5 refile the case with the Court, under a new case number, when Plaintiff is able to file a  
6 complaint.

7 DATED: January 11, 2021.

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10 BREND A WEKSLER  
11 UNITED STATES MAGISTRATE JUDGE  
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